

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

WEST VIRGINIA STATE
UNIVERSITY BOARD OF GOVERNORS
for and on behalf of West Virginia State
University,

Plaintiff,

v.

Case No.: 2:17-cv-03558
Hon. John T. Copenhaver, Jr.

THE DOW CHEMICAL COMPANY;
UNION CARBIDE CORPORATION;
BAYER CORPORATION;
BAYER CROPSCIENCE LP;
BAYER CROPSCIENCE HOLDING INC;
RHONE-POULENC INC.;
RHONE-POULENC AG COMPANY;
RHONE-POULENC AG COMPANY, INC.; and
AVENTIS CROPSCIENCE USA LP,

Defendants.

JOINT MOTION ON SCHEDULING

NOW COME all parties, by counsel, and respectfully submit this agreed motion on scheduling. The motion addresses the briefing schedule for the motion to dismiss as well as the schedule for Rule 26(a) and (f) events.

1. At present, pertinent case deadlines are as follows:
 - a. September 13, 2017: Last date for Rule 26(f) meeting.
 - b. September 18, 2017: Last day for Plaintiff to respond to motion to dismiss.
 - c. September 20, 2017: Last day to file Report of Parties' Planning Meeting.
 - d. September 25, 2017: Last day for Defendants to file reply, if any, in support of motion to dismiss.
 - e. September 29, 2017: Scheduling conference.

f. October 4, 2017: Entry of scheduling order.

g. October 13, 2017: Last day to serve Rule 26(a)(1) disclosures.

2. With regard to the briefing schedule for the motion to dismiss, the parties have conferred and agree that additional time is appropriate for both sides. The case involves numerous causes of action and numerous asserted grounds for dismissal. The parties agree that additional time is required to properly brief their respective positions.

3. With regard to the schedule for Rule 26(a) and (f) events, the parties agree that additional time is appropriate, among other reasons, so that they can fully brief the motion to dismiss before turning their full attention to finalizing their initial disclosures.

4. Accordingly, the parties move the Court to order the following schedule:

a. October 4, 2017: Last day for Rule 26(f) meeting.

b. October 9, 2017: Last day for Plaintiff to respond to motion to dismiss.

c. October 11, 2017: Last day to file Report of Parties' Planning Meeting.

d. October 30, 2017: Last day for Defendants to file reply, if any, in support of motion to dismiss.

e. November 6, 2017: Last day to serve Rule 26(a)(1) disclosures.

f. Week of November 6, or as soon thereafter as practicable: Scheduling conference, if one is needed.

g. Seven days after scheduling conference: Entry of scheduling order.

5. The parties further state that Defendants do not object to extending the page limit for Plaintiff's response to the motion to dismiss to 40 pages and Plaintiff does not object to extending the page limit for Defendants' reply in support of the motion to dismiss to 30 pages.

Respectfully submitted,
By Counsel.

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CERTIFICATE OF SERVICE

The undersigned counsel for the University hereby certifies that on this 14th day of September, 2017, a true and correct copy of the foregoing **Joint Motion on Scheduling** was electronically filed with the Clerk of the Court via the CM/ECF system, which will send notification of such filing to all attorneys of record in this matter and via United States Mail to the following non CM/ECF participants:

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